BOISE, MONDAY, SEPTEMBER 15, 2008 AT 8:50 A.M.

IN THE SUPREME COURT OF THE STATE OF IDAHO

RHINO METALS, INC.,)	
Plaintiff-Appellant,)	
v.)	
HOWARD CRAFT, an individual; H & S HUNTING,)))	Docket No. 34380
Defendants-Respondents.)	

Appeal from the District Court of the Third Judicial District of the State of Idaho, Canyon County. The Hon. Renae J. Hoff, District Judge.

Charney & Associates, PLLC, Eagle, for appellant.

Brassey, Wetherell, Crawford & Garrett, Boise, for respondents.

Rhino Metals, Inc. (Rhino Metals) appeals the district court's dismissal for lack of personal jurisdiction of defendants Howard Craft and H&S Hunting. Craft is a co-owner and partner of H&S Hunting, a hunting store located in Tennessee. In February 2006, a sales representative for Rhino Metals approached Craft at the National Wild Turkey Convention in Tennessee regarding distribution of Rhino Metals's gun safes. An agreement between the parties was reached, and thereafter, Craft obtained guns safes from Rhino Metals that he alleges were non-conforming.

Rhino Metals filed a complaint in Idaho district court against Craft and H&S Hunting for breach of contract. Rhino Metals subsequently obtained a court order for service outside of Idaho, and in February 2007, served Craft with a summons and a copy of the order in his home state of Tennessee. On March 12, 2007, Craft and H&S Hunting (collectively "Craft-Hunting"), through their Idaho counsel, filed a special appearance in district court to challenge the court's personal jurisdiction pursuant to Idaho Rules of Civil Procedure 4(i)(2) and 12(b)(2).

On March 22, 2007, Craft-Hunting filed a motion to dismiss the case. Before the hearing, Rhino Metals filed an amended complaint, citing additional counts of "fraud" and "demand for accounting." Craft-Hunting responded with a motion to strike the amended complaint. The hearing on Craft-Hunting's motions was held on April 26, 2007. The district court held that Idaho was not the proper forum state and could not exercise personal jurisdiction over the defendants. The district court therefore dismissed

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the complaint. Rhino Metals subsequently filed a motion to reconsider, which the district court denied.

Rhino Metals argues on appeal that Craft-Hunting's motion to strike the amended complaint did not comply with the requirements of Idaho Rule of Civil Procedure 4(i), and that by filing their motion to strike, Craft-Hunting consented to the district court's jurisdiction

Craft-Hunting reject Rhino Metals's argument, and argue that their actions do not fall within the scope of Rule 4(i).

BOISE, MONDAY, SEPTEMBER 15, 2008 AT 10:00 A.M.

IN THE SUPREME COURT OF THE STATE OF IDAHO

PATRICK A. BARTOSZ,)	
Plaintiff-Respondent,)	
v.	Docket No. 35091	
JULIE JONES, fka JULIE GOODMAN,)	
Defendant-Appellant.	<u>)</u>	

Appeal from the District Court of the Third Judicial District of the State of Idaho, Canyon County. Hon. Bradley S. Ford, District Judge.

Bauer & French, Boise, for appellant.

Tucker Law Office, Nampa, for respondent.

Patrick Bartosz sought a modification of a child custody order after learning that his daughter's mother and primary custodian planned to move with the child to Hawaii. In his petition, Patrick requested an award of primary physical custody. The mother, Julie Jones, filed a counterpetition requesting that the magistrate modify the custody award to permit her to move to Hawaii with her daughter. Julie sought permission to move to Hawaii because she had recently married an officer in the United States Army who had been transferred there. The magistrate denied Julie's request to move with the child and concluded that Patrick would be awarded custody if Julie moved to Hawaii. Julie sought and obtained permission to appeal directly to the Idaho Supreme Court. On appeal, Julie argues that the magistrate abused his discretion in denying her request to relocate with her daughter and that the custody order violates her right to travel.